

# Senate Study Bill 1047 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
EDUCATION BILL)

## A BILL FOR

1 An Act relating to payment of costs for educational services  
2 for children residing in certain psychiatric hospitals or  
3 institutions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 282.27, Code 2015, is amended to read as  
2 follows:

3 **282.27 Children living in psychiatric hospitals or**  
4 **institutions — payment.**

5 1. The public school district in which ~~is located~~ a  
6 psychiatric unit of a hospital licensed under chapter 135B or  
7 a psychiatric medical institution for children licensed under  
8 chapter 135H, which is not operated by the state, is located  
9 shall be responsible for the provision of educational services  
10 to children residing in the unit or institution. Children  
11 residing in the unit or institution shall be included in the  
12 basic enrollment of their districts of residence, as defined in  
13 section 282.31, subsection 4.

14 2. The board of directors of each district of residence  
15 shall pay to the school district in which such psychiatric unit  
16 or institution is located ~~such psychiatric unit or institution,~~  
17 for the provision of educational services to the child, a  
18 portion of the ~~district of residence's district cost per pupil~~  
19 tuition rate prescribed by section 282.24 for students residing  
20 within another school district for each of such children who  
21 does not require special education, based upon the proportion  
22 that the time each child is provided educational services while  
23 in such unit or institution is to the total time for which  
24 the child is provided educational services during a normal  
25 school year. The actual special education instructional costs  
26 incurred for a child who resides in the unit or institution  
27 shall be paid by the district of residence of the child to the  
28 district in which the unit or institution is located.

29 3. Notwithstanding subsection 2, if a child is placed in  
30 the psychiatric unit or institution as a voluntary parental  
31 placement, the district of residence is not responsible for the  
32 instructional costs incurred for the provision of educational  
33 services for the period of time the child is residing in such  
34 unit or institution.

35 4. Notwithstanding section 282.24, if a child for whom all

1 of the following applies is placed in the psychiatric unit  
2 or institution, the district of residence may use amounts  
3 received as supplementary weighting pursuant to section 257.11,  
4 subsection 4, to pay the instructional costs necessary to  
5 address the child's behavior during instructional time when  
6 those services are not otherwise provided to students who do  
7 not require special education and the costs exceed the costs  
8 of instruction of pupils in a regular curriculum and the costs  
9 exceed the maximum tuition rate prescribed by section 282.24:  
10 a. The child does not require special education.  
11 b. The child is not placed in the unit or institution as a  
12 voluntary parental placement.  
13 c. The child is not placed by the department of human  
14 services or a court in a day program treatment program in such  
15 psychiatric unit or institution.  
16 d. The board of directors of the district of residence has  
17 determined that the child is likely to inflict self-harm or  
18 likely to harm another student.  
19 5. Notwithstanding section 282.24, if a child for whom  
20 all of the following applies is placed in the psychiatric  
21 unit or institution, the district of residence may use the  
22 funding for programs for returning dropouts and dropout  
23 prevention calculated pursuant to section 257.41, to pay the  
24 instructional costs necessary to address the child's behavior  
25 during instructional time when those services are not otherwise  
26 provided to students who do not require special education  
27 and the costs exceed the costs of instruction of pupils in  
28 a regular curriculum, the costs exceed the maximum tuition  
29 rate prescribed by section 282.24, and the child meets the  
30 definition of a returning dropout or potential dropout in  
31 section 257.39:  
32 a. The child does not require special education.  
33 b. The child is not placed in the unit or institution as a  
34 voluntary parental placement.  
35 c. The child is not placed by the department of human

1 services or a court in a day program treatment program in such  
2 psychiatric unit or institution.

3 d. The board of directors of the district of residence has  
4 determined that the child is likely to inflict self-harm or  
5 likely to harm another student.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with  
8 the explanation's substance by the members of the general assembly.

9 Current law provides that the school district in which  
10 a psychiatric unit of a licensed hospital or a licensed  
11 psychiatric medical institution for children, not operated by  
12 the state, is located shall be responsible for the provision  
13 of educational services to children residing in the unit or  
14 institution. The district of residence is required pay to the  
15 school district in which the psychiatric unit or institution  
16 is located a portion of the district of residence's district  
17 cost per pupil for each child based upon the proportion of the  
18 time each child is provided educational services while in the  
19 unit or institution to the total time for which the child is  
20 provided educational services during a normal school year.

21 This bill provides that the required payment shall be  
22 calculated based on the tuition rate prescribed by Code section  
23 282.24 for students residing within another school district,  
24 instead of the district of residence's district cost per  
25 pupil. Code section 282.24 provides that the maximum tuition  
26 fee that may be charged for students residing within another  
27 school district is the district cost per pupil of the receiving  
28 district. The bill also provides that the actual special  
29 education instructional costs incurred for a child who resides  
30 in a unit or institution shall be paid by the district of  
31 residence of the child to the district in which the unit or  
32 institution is located, rather than the required tuition rate  
33 amount.

34 The bill provides that if a child has been placed in the  
35 psychiatric unit or institution as a voluntary parental

1 placement, the district of residence is not responsible for the  
2 instructional costs incurred for the provision of educational  
3 services for the period of time the child is residing in such  
4 unit or institution.

5 The bill provides that, notwithstanding Code section 282.24,  
6 if a child, who does not require special education, who is not  
7 placed as a voluntary parental placement, who is not placed by  
8 the department of human services or a court in a day program  
9 treatment program in such psychiatric unit or institution, and  
10 who the board of directors of the district of residence has  
11 determined is likely to inflict harm on themselves or other  
12 students, is placed in the psychiatric unit or institution, the  
13 district of residence may use amounts received as supplementary  
14 weighting pursuant to Code section 257.11, subsection 4, to  
15 pay the instructional costs necessary to address the child's  
16 behavior during instructional time when those services are  
17 not otherwise provided to students who do not require special  
18 education and the costs exceed the costs of instruction of  
19 pupils in a regular curriculum and the costs exceed the maximum  
20 tuition rate prescribed by Code section 282.24.

21 The bill further provides that if such a child meets the  
22 definition of returning dropout or potential dropout in  
23 Code section 257.39, the district of residence may also use  
24 the funding for programs for returning dropouts and dropout  
25 prevention to pay the instructional costs necessary to address  
26 the child's behavior during instructional time when those  
27 services are not otherwise provided to students who do not  
28 require special education and the costs exceed the costs of  
29 instruction of pupils in a regular curriculum, the costs exceed  
30 the maximum tuition rate prescribed by Code section 282.24.